



Clay County Board Minutes



COUNTY BOARD OF SUPERVISORS PROCEEDINGS

Courthouse, Clay Center, Nebraska, July 19, 2011 at 9:00 A.M.

The Clay County Board of Supervisors met July 19, 2011 as per public notice given in the Clay County News on July 13, 2011 a copy of the proof of publication being on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting and on the county website. Chairman Fintel presided with roll call showing the following present: Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel; absent: Nuss. Minutes of the meeting held July 12, 2011 were sent to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Fintel stated that the open meeting law poster is posted on the west wall in the back of the room.

Nuss entered the meeting at 9:02 A.M.

Motion by Schmidt and seconded by Johnson to approve the minutes of the meeting held July 12, 2011 as mailed. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

There was no public input.

Thomas Roemmich II, Highway Superintendent reported that Road R is done and they will be working on the Edgar road. Tom reported on culverts that need replacing and presented the resolution and agreement for the Federal Funds Purchase Program.

Motion by Shaw and seconded by Nuss to sign Resolution #11-16 signing of the Federal Funds Purchase Program Agreement. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried. (On file in the Clerk's office)

Motion by Samuelson and seconded by Johnson to authorize the chairman to sign the Federal-Aid Transportation Fund Purchase-Sale Agreement between the State of Nebraska, Department of Roads and Clay County, Nebraska. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

The District Court Bailiff budget that was received from District Court Judge Vicky L. Johnson was reviewed. Motion by Shaw and seconded by Nuss to accept the budget request for the District Court Bailiff in the amount of \$10,784.81 for fiscal year 2011-2012. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Schmidt and Fintel; nay: Anderson. Motion carried.

An amendment (Amendment 1) to the group long term disability insurance policy changing from Madison National Life Insurance Co. to National Insurance Company of Wisconsin as reinsurance carrier was presented. Motion by Anderson and seconded by Nuss to authorize the chairman to sign the Long Term Care Administrative Agreement



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(Amendment 1) changing reinsurance carriers. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried.

The Subgrant Agreement for Child Support Enforcement Services between the Nebraska Department of Health and Human Services Division of Children and Family Services and Clay County was presented.

Motion by Johnson and seconded by Samuelson to authorize the chairman to sign the agreement between Nebraska Department of Health and Human Services, Division of Children and Family Services, Clay County and County Clerk of the District Court. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

The bids for the Maintenance Building were opened at 9:30 A.M. Andy Leichter was also present. Bids were received from:

NLN Construction, Lincoln, NE Total estimate: \$60,070.59.

Leichter Construction, Harvard, NE Concrete pad: \$8544.00 and Shed: \$15449.37
Total: \$24,477.90 (less sales tax would be \$23,993.37)

During discussion after the bids were opened, Supervisor Nuss said he had received some concerns about the building as far as if it had been budgeted for and if it would affect the board's decision on raises. The funding for the building will be either from the building sinking fund or the inheritance fund or a combination. Other board members said this expenditure would not affect raise decisions.

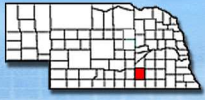
Motion by Schmidt and seconded by Anderson to accept the bid from Leichter Construction to build a Maintenance Shed for \$23,993.37, bid does not include wiring or heating system. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Chad Christensen, Nationwide Retirement Solutions discussed the 457 deferred compensation plan that is NACO endorsed. Chad is the field representative for Nebraska and Iowa based out of Lincoln. Chad explained the plans features and the process to get started.

Motion by Shaw and seconded by Johnson to adopt the NACO 457 deferred compensation plan administered by Nationwide Retirement Solutions. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

Janis Johnson, Director Clay County Health Dept. presented the Director's report with the 4th quarter and year end statistics. Janis also reported on the need for some sidewalk repair work and that water still enters the building when it rains. The board will have Travis look into the water issue.

Janice Stratman, County Treasurer distributed information on Tax Sale Certificates and parcels of real estate that were not sold at the last annual public tax sale. The semi-annual statement was also presented.



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Motion by Anderson and seconded by Nuss to accept the semi-annual statement from January 1, 2011 to June 30, 2011 as presented by the County Treasurer. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

Motion by Nuss and seconded by Samuelson to direct the County Attorney to start foreclosure proceedings on 2008 county tax sales numbered 08-13, 08-21, 08-32, 08-34, 08-45, 08-46, 08-50, 08-56, 08-61, 08-68, 08-78, 08-79, 08-81, 08-82, 08-85, 08-96, 08-97, 08-107, 08-115, 08-116 and 08-130. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.

Motion by Johnson and seconded by Shaw to approve the tax sale certificates numbered 11-01 through 11-77. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried.

Jeff Franklin, County Sheriff presented the preliminary budgets for the Sheriff's Department, Jail and the Sheriff's Grant Fund. The grant fund was lowered as there will probably be less and less grant money available. An increase was requested for the Jail and Sheriff's budgets.

The board worked on the preliminary budget request for the Board of Supervisors. It will be increased to add an additional line item for advisory expenses.

The Misc. General and Building Sinking budgets were discussed again; the Building Sinking will stay the same as last year and the misc. general budget will be submitted to the budget preparer with the discussed changes.

Ted Griess, County Attorney was not able to be present at this time.

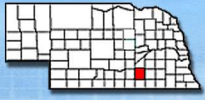
Sharon Hueftle, Executive Director South Central Economic Development District thanked the board for their continuing support of the district. Sharon highlighted services offered to businesses and communities and reported that for every \$1.00 in dues the district received \$3.06 from grants and other sources were received.

Motion by Shaw and seconded by Johnson to enter into executive session at 11:54 A.M. to discuss a pending legal matter. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Chairman Fintel announced in the main hall on the second floor that the board was going into executive session.

Motion by Schmidt and seconded by Anderson to go out of executive session and resume regular session at 12:07 P.M. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

A statement from the board was read: On September 8, 2010, Anna White filed a lawsuit against Clay County and Jeff Franklin. Within the lawsuit, Ms. White alleged that that her employment with the Clay County Sheriff's Department was terminated due to her gender and unlawful retaliation. Before Ms. White filed her lawsuit, the County



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hired an outside attorney to conduct an impartial investigation into Ms. White's allegations. Following the investigation, the attorney advised the County that Ms. White's employment was terminated for legitimate and non-retaliatory reasons. However, in an attempt to avoid future litigation, approximately one month following Ms. White's termination, the County offered to reinstate Ms. White to her former position and reimburse her for loss pay and benefits, which were approximately \$3000. Ms. White declined the County's offer.

Now, two years later, the County today is voting whether to approve a settlement agreement and general release with Ms. White, wherein she agrees to dismiss her lawsuit and release all claims she may have against the County and Sheriff Franklin in exchange for \$3000 from the County. We have been advised by our counsel that the continued costs to defend this lawsuit will far exceed \$3000 even though the County believes Ms. White's claim is defensible.

Motion by Samuelson and seconded by Shaw to accept the settlement agreement and general release between Anna White, Jeff Franklin and Clay County, Nebraska. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

Ted Griess, County Attorney did meet with the board at this time and reported that no bids had been received for the Fairfield lots. Options of what to do next were discussed. Ted also discussed foreclosure procedures on back taxes.

Motion by Johnson and seconded by Shaw to adjourn this meeting at 12:30 P.M.; next meeting scheduled for July 26, 2011. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

Deborah Karnatz, County Clerk

Ivan Fintel, Chairman